

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF MASSACHUSETTS

JUDITH THIBEAU,	)	
And GEORGE THIBEAU,	)	
Plaintiffs	)	
	)	
VS.	)	<b>CIVIL ACTION</b>
	)	<b>NO. 04-10643 LTS</b>
UNITED STATES OF AMERICA	)	
and EAST BOSTON NEIGHBORHOOD	)	
HEALTH CENTER CORPORATION,	)	
Defendants	)	

**AFFIDAVIT OF TORY A. WEIGAND, ESQUIRE**

I, Tory A. Weigand, do depose and swear as follows:

1. I am counsel for the defendant, East Boston Neighborhood Health Center Corporation (“EBNHC”) and a partner at Morrison Mahoney LLP.
2. Attached to the accompanying motion for summary judgment as **Exh. A** is a true and accurate copy of the Affidavit of James Taylor, M.D.
3. Attached to the accompanying motion for summary judgment as **Exh. B** are true and accurate copies of excerpts from the deposition of James Taylor, M.D.
4. Attached to the accompanying motion for summary judgment as **Exh. C** is a true and accurate copy of the Lease for 79 Paris Street, between the East Boston Neighborhood Health Center Corporation and the George Robert White Fund.
5. Attached to the accompanying motion for summary judgment as **Exh. D** are true and accurate copies of excerpts from the deposition of Dennis Bucheri.
6. Attached to the accompanying motion for summary judgment as **Exh. E** are true and accurate copies of excerpts from the deposition of Judith ThibEAU.

7. Attached to the accompanying motion for summary judgment as **Exh. F** are true and accurate copies of excerpts from the deposition of George Thibeu.

8. Attached to the accompanying motion for summary judgment as **Exh. G** are true and accurate copies of photographs depicting the stairwell, handrails, elevator and stairs at 79 Paris Street where Ms. Thibeu claims to have fallen. The first two photographs depict the top of the stairs on the second floor where the eye clinic is at 79 Paris Street and show both the top of the stairs going down and the elevator which is right next to the stairs. The next five photographs show the stairwell at 79 Paris Street leading to the landing on the first floor as well as the landing area on the first floor where Ms. Thibeu claims to have fallen.

9. Attached to the accompanying motion for summary judgment as **Exh. H** are true and accurate copies of the photographs which were shown to and marked by Mrs. Thibeu at her deposition. These are also true and accurate pictures of the stairs and handrail at 79 Paris Street where Ms. Thibeu claims to have fallen.

10. Attached to the accompanying motion for summary judgment as **Exh. I** is a true and accurate copy of referenced case law.

11. Attached to the accompanying motion for summary judgment as **Exh. J** is a true and accurate copy of the expert report produced by the plaintiffs.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 15<sup>th</sup> DAY OF NOVEMBER, 2005.

*/s/ Tory A. Weigand*

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 15, 2005, a true copy of the above document was served upon each counsel of record electronically through filing with the ECF system.

*/s/ Tory A. Weigand*

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Tory A. Weigand